

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 1563*

House Bill No. 1612

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 33-7-301, is amended by redesignating subsection (a) as subsection (a)(1) and by inserting the following language immediately after subsection (a)(1):

(a)(2) At any stage of a felony criminal proceeding, including a pre-trial hearing, trial, sentencing, or post-conviction proceeding, if the defendant gives notice that he intends to offer testimony about his mental condition, whether in support of a defense of insanity or for any other purpose, the state may move or petition the court to authorize the district attorney general to designate a qualified expert to examine the defendant. The court may authorize the district attorney general to designate a qualified expert, who is willing to be appointed, to examine the defendant, if:

(A) In the case of a pre-trial proceeding the court receives notice from an inpatient evaluator under subsection (a)(1) that:

(1) the type or extent of assessment required exceeds the expertise or resources available to the evaluator, or

(2) the type or extent of assessment required exceeds the scope of analysis of the defendant's competency to stand trial, satisfaction of criteria for the insanity defense, or committability under standards of Section 33-6-104; OR

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(B) In any other type of felony criminal proceeding, the court
determines that examination of the defendant by a qualified expert for the
state is necessary to adjudicate fairly the matter before it.

SECTION 2. Payment of expert fees is governed by Supreme Court Rule 13.

SECTION 3. This act shall take effect on July 1, 1998, the public welfare requiring it.

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